

RECORD OF DECISION

**East County Substation Project 138-kilovolt
Transmission Line**

Cooperating Agency:
U.S. Army Corps of Engineers

Environmental Impact Statement 20110347
Case File Number: CACA-51625

**ECO Substation Project
Decision to Grant Right-of-Way**

United States Department of the Interior, Bureau of Land Management
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List of Acronyms and Abbreviations

Acronym/Abbreviation	Term
ACOE	U.S. Army Corps of Engineers
AO	Authorized Officer
BLM	Bureau of Land Management
BO	Biological Opinion
BMP	best management practice
CAA	Clean Air Act
CDFG	California Department of Fish and Game
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CPUC	California Public Utilities Commission
CWA	Clean Water Act
DOI	Department of the Interior
ECO	East County Substation
EPA	Environmental Protection Agency
EPAct	Energy Policy Act of 2005
ESA	Endangered Species Act
ESJ Gen-Tie	Energia Sierra Juarez generator tie-line
FEIS/FEIR	Final Environmental Impact Statement/Environmental Impact Report
FLPMA	Federal Land Policy and Management Act
FR	Federal Register
I-8	Interstate 8
kV	kilovolt
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MMCRP	Mitigation Monitoring, Compliance and Reporting Program
MW	megawatt
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOA	Notice of Availability
NTP	Notice to Proceed

List of Acronyms and Abbreviations

Acronym/Abbreviation	Term
PEA	Proponents Environmental Assessment
POD	Plan of Development
RMP	Resource Management Plan
ROD	Record of Decision
ROW	right-of-way
RWQCB	Regional Water Quality Control Board
SDG&E	San Diego Gas & Electric
SPCC	Spill Prevention Control and Countermeasure
SWPL	Southwest Powerlink
SWRCB	State Water Resources Control Board
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service

Executive Summary

This document constitutes the Record of Decision (ROD) of the United States Department of the Interior (DOI) Bureau of Land Management (BLM) for the East County (ECO) Substation Project 138-kilovolt (kV) Transmission Line in southeastern San Diego County (see Figure 1 of this ROD). The total length of the 138 kV transmission line is 13.9 miles, 0.8 of which is on public lands administered by the BLM, the remainder is located on private lands. In addition to the 138 kV transmission line, the ECO Substation Project includes components such as the ECO Substation, Southwest Powerlink (SWPL) Loop-In, and the Boulevard Substation rebuild, which are located on private lands subject to the permitting authority of the California Public Utilities Commission (CPUC). Through this ROD, the BLM makes no decision regarding those portions of the ECO Substation Project or other projects analyzed in the Final Environmental Impact Statement/Environmental Impact Report (FEIS/FEIR)¹ that are not located on BLM-managed lands. These others lands and project components were included in the Proposed Action and alternatives addressed in the FEIS/FEIR.

A Notice of Availability (NOA) of the FEIS/FEIR was published by the United States Environmental Protection Agency (EPA) in the Federal Register (FR) on October 14, 2011 (76 FR 63922).

This ROD addresses the decision for a right-of-way (ROW) application under Title V of the Federal Land Policy and Management Act (FLPMA) of 1976. It is the BLM's decision to grant a ROW to the applicant, San Diego Gas & Electric (SDG&E), that will allow the construction, operation, maintenance, and termination of a 0.8-mile underground segment of the ECO Substation Project's 138 kV transmission line located on 10.44 acres of public lands. This entire 138 kV line will transmit electricity between the proposed SDG&E ECO Substation (located approximately 4 miles east of the community of Jacumba) to the proposed SDG&E rebuilt Boulevard Substation. The Selected Alternative in this ROD was analyzed in the FEIS/FEIR as the BLM's Preferred Alternative. BLM's Preferred Alternative for the ECO Substation Project 138 kV Transmission Line is the ECO Partial Underground 138 kV Transmission Route Alternative, which would underground the segment of the proposed 138 kV transmission line located on public lands. Under the Selected Alternative, the overall length of the proposed 138 kV transmission line consists of approximately 0.8 mile on public land. Part of the ECO Partial Underground 138 kV Transmission Route Alternative (see Figure 1 of this ROD), including the entirety of the overhead portion and an underground portion located along the western extent of the transmission line alignment, is to be located on private lands that are not under the authority of the BLM. It is discussed here briefly to provide background information on the scope and range of alternatives analyzed. The FEIS/FEIR Selected Alternative proposes routing the 138 kV transmission underground along Old Highway 80 and Carrizo Gorge Road (approximately 2.7 miles on both BLM-managed and private lands) and would then connect to the overhead 138 kV

¹ As analyzed in the FEIS/FEIR, the ECO Substation, Tule Wind, and ESJ Gen-Tie Projects were considered components of the Proposed PROJECT for purposes of the California Environmental Quality Act (CEQA) and connected actions for purposes of the National Environmental Policy Act (NEPA) analysis. Although these project components were analyzed in the same EIS/EIR, only a 0.8-mile underground segment of the ECO Substation Project 138 kV transmission line and portions of the Tule Wind Project would be located on BLM-managed lands (a separate ROD was prepared and signed for the Tule Wind Project (December 2011)). This decision does not approve the remaining components of the ECO Substation Project and the entire Tule Wind and ESJ Gen-Tie Projects.

transmission line component of the Proposed Project (see Figure 2 of this ROD). While the Selected Alternative would increase the overall length of the proposed 138 kV transmission line a little over half a mile from the proposed action (from 13.3 to 13.9 miles), it would reduce impacts to cultural resources identified during the National Historic Preservation Act (NHPA) Section 106 consultation process and reduce impacts to visual resources.

This decision reflects careful consideration of the information generated from the ECO Substation Project environmental review process, and further reflects resolution of the issues identified through this process. As stated in the FEIS/FEIR in Section A.5.3, the responsible/cooperating agencies may use the EIS/EIR for their permitting processes. Section 3.2 of this ROD identifies the current status of the permitting process by these other agencies.

This ROD applies only to BLM-managed lands, and the BLM's decision for the ECO Substation Project 138 kV transmission line and does not include components of the ECO Substation Project located on private lands, or the Tule Wind, Energia Sierra Juarez (ESJ) Gen-Tie, Campo, Manzanita, and Jordan projects addressed in the FEIS/FEIR. Other agencies, including but not limited to, the CPUC; Bureau of Indian Affairs; Ewiiapaayp, Manzanita, and Campo Native American Indian tribes; California State Lands Commission; and County of San Diego, are responsible for identifying their preferred alternatives and issuing their own decisions and applicable authorizations.

Decision Rationale

This decision fulfills legal requirements for managing public lands. Granting the ROW for the 0.8-mile underground segment of the ECO Substation Project 138 kV transmission line located on public land contributes to the public interest in reducing energy costs and providing a reliable electricity supply that allows for the delivery of renewable power to meet state and federal renewable energy goals. The stipulations in the grant ensure that authorization of this project will protect environmental resources and comply with environmental standards. These decisions reflect careful balancing of many competing public interests in managing public lands. These decisions are based on comprehensive environmental analysis and full public disclosure and involvement. The BLM and CPUC engaged highly qualified technical experts to analyze the environmental effects of the ECO Substation Project. During the scoping process and following the publication of the Draft EIS/EIR, members of the public submitted comments that enhanced the BLM's consideration of many environmental issues relevant to this project. The BLM, CPUC, U.S. Army Corps of Engineers (ACOE), U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Game (CDFG), and other responsible agencies used their expertise and existing technology to address the important issues of environmental resource protection. The BLM has determined that the measures contained in the FEIS/FEIR avoid and/or minimize environmental harm to the maximum extent practicable.

1. Decisions

1.1 Background

This ROD for the ECO Substation Project 138 kV transmission line approves the construction, operation, maintenance, and termination of a proposed 0.8-mile underground segment on BLM-administered public lands of a 138 kV transmission line in southeastern San Diego County,

California, as analyzed in the ECO Substation Project FEIS/FEIR. This decision approves the Agency Preferred Alternative as analyzed in the FEIS/FEIR. The Agency Preferred Alternative is also referred to as the “Selected Alternative” in this ROD.

This approval will take the form of a FLPMA ROW grant, issued in conformance with Title V of FLPMA and implementing regulations found at Title 43, Code of Federal Regulations (CFR) Part 2800. The decision contained herein applies only to the BLM-administered public lands within the boundary of the Selected Alternative. The other components of the ECO Substation Project located on private lands are subject to the permitting authority of the CPUC.

One ROW grant will be issued to SDG&E for a term of 30 years with a right of renewal in accordance with 43 CFR 2807.22. The ROW grant will allow SDG&E the right to use, occupy, and develop 10.44 acres of public lands to construct, operate, maintain, and terminate a 0.8-mile underground segment of a 138 kV transmission line in southeastern San Diego County. The underground segment of a 138 kV transmission line on BLM-managed public lands is located approximately 70 miles east of downtown San Diego, south of Interstate 8 (I-8), east of the town of Jacumba and along Old Highway 80, in San Diego County, California, within Township 18 South, Ranges 8 East, Section(s) 02, 03, 10, and 11. The 138 kV transmission line will transmit electricity between the proposed ECO Substation and the proposed rebuilt Boulevard Substation. Figures 1 and 2 of this ROD show the location of the project site.

The BLM requires the initiation of project construction within 2 years of the issuance of a ROW lease/grant. Initiation of construction will be conditioned on final BLM approval of the construction plans. This approval will take the form of an official Notice to Proceed (NTP). The issuance of an NTP by CPUC for project components located within BLM lands does not authorize construction to start, but only documents compliance with all relevant mitigation measures and permit conditions. No construction may occur on BLM lands without specific approval by BLM. If the approved project does not progress to construction or operation and a change is proposed that appears to the BLM to be a new project proposal on the approved project site, that proposal is subject to additional NEPA review (40 CFR 1502.9(c)).

The ROD conditions the ROW grant on implementation of mitigation measures and monitoring programs as identified in Appendix C, Adopted Mitigation Measures, to this ROD; the Biological Opinion (BO) issued by the USFWS, which is provided in Appendix A to this ROD; NHPA Section 106 Memorandum of Agreement (MOA), which is provided in Appendix B of this ROD; and the issuance of all other necessary local, state, and federal approvals, authorizations, and permits. In addition, the ROW grant is conditioned upon any amendments to the BO, the MOA, and other necessary approvals, authorizations, and permits.

As discussed in Section E.5.2 of the FEIS/FEIR, the BLM’s Preferred Alternative for the ECO Substation Project 138 kV Transmission Line is the ECO Partial Underground 138 kV Transmission Route Alternative, which proposes rerouting and undergrounding approximately 7.1 miles of the 13.9-mile 138 kV transmission line. Approximately 0.8 mile of the 7.1-mile underground transmission line associated with the ECO Partial Underground 138 kV Transmission Route Alternative would be located across BLM-administered lands. The discontinuous segments of the underground 138 kV transmission line would cross public lands at three locations along Old Highway 80, and total 0.8 mile on public lands (see Figure 2 of this

ROD). The portion of the 138 kV gen-tie not on public lands will be approved by the CPUC (the entirety of SDG&E's ECO Substation Project, including the portions on BLM-administered public lands, is analyzed in Sections D.2 through D.18 of the FEIS/FEIR).²

Construction of the ECO Substation Project is expected to begin in fall 2012 and is anticipated to require 24 months to complete. Construction activities associated with the 0.8-mile segment of underground 138 kV transmission line located on public lands are anticipated to require 2 months to complete (although it may not be a consecutive 2 months). Commercial operation could commence as early as 2014. The sequence of project construction activities is outlined in the plan of development (POD) on file with the BLM and in the BO provided in Appendix A to this ROD.

1.1.1 Application/Applicant

SDG&E, a Sempra Energy utility, is proposing to construct and operate the ECO Substation Project on public and private land. SDG&E submitted a ROW application and preliminary POD (the Proponent's Environmental Assessment (PEA) to the BLM to construct, operate, maintain, and terminate a transmission line in southeastern San Diego County on August 13, 2009. Through the environmental review process, 15 data requests were made to SDG&E for clarifications on the proposed ECO Substation Project. These data requests and responses are located on the CPUC's project website located at:
http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/ECO_DR.htm.

1.1.2 Bureau of Land Management Purpose and Need

In accordance with FLPMA (Section 103(c)), public lands are to be managed for multiple uses that takes into account the long-term needs of future generations for renewable and non-renewable resources. The Secretary of the Interior is authorized to grant ROWs on public lands for systems of generation, transmission, and distribution of electric energy (FLPMA, Section 501(a)(4)). Taking into account the BLM's multiple-use mandate, the purpose and need for the Proposed Action is to respond to a FLPMA ROW application submitted by SDG&E to construct, operate, maintain, and terminate a transmission line on public lands managed by the BLM in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws and policies.

The BLM is deciding whether to deny the proposed ROW, grant the ROW, or grant the ROW with modifications. Modifications may include modifying the proposed use or changing the alignment route (43 CFR 2805.10(a)(1)).

1.1.3 BLM Authority

1.1.3.1 Federal Land Policy and Management Act of 1976

² SDG&E submitted an application to the CPUC for a Permit to Construct the East County Substation Project in August 2009. The CPUC has permitting authority over the ECO Substation Project, which includes the substation facility, SWPL Loop-In, portions of the 138 kV transmission line located on private lands, and the Boulevard Substation rebuild. The CPUC anticipates making a decision on the ECO Substation Project in early 2012.

FLPMA establishes policies and procedures for the management of public lands. In Section 102(a)(8), congress declared that it is the policy of the United States that:

“ . . . the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values; that, where appropriate, will preserve and protect certain public lands in their natural condition; that will provide food and habitat for fish and wildlife and domestic animals; and that will provide for outdoor recreation and human occupancy and use” (43 United States Code (U.S.C.) 1701(a)(8)).

Title V of FLPMA (43 U.S.C. 1761–1771) authorizes the BLM, acting on behalf of the Secretary of the Interior, to authorize a ROW grant on, over, under, and through the public lands for systems for generation, transmission, and distribution of electric energy. The BLM’s implementation of its statutory direction for ROW authorizations is detailed in 43 CFR 2800. The BLM Authorized Officer (AO) administers the ROW authorization and ensures compliance with the terms and conditions of the ROW. The AO is any employee of the Department of the Interior to whom the authority to perform the duties described in 43 CFR 2800 has been delegated. This authority is derived from the authority of the Secretary of the Interior and may be revoked at any time. The authority to approve all actions pertaining to the granting and management of Title V ROWs on public lands is delegated to the respective BLM State Directors (BLM Manual 1203, Appendix 1, p. 33). In California, the authority of the BLM State Director to approve actions pertaining to the granting and management of Title V ROWs has been further delegated to the Field Managers.

With respect to this specific ROW grant, this authority has been delegated to the Field Manager of the El Centro Field Office, who will be responsible for managing the ROW grant for the ECO Substation Project.

1.1.3.2 National Environmental Policy Act

Section 102(c) of NEPA (42 U.S.C. 4321 et seq.) and the Council on Environmental Quality (CEQ) and DOI implementing regulations (40 CFR 1500–1508 and 43 CFR 46) provide for the integration of NEPA directives into agency planning to ensure appropriate consideration of NEPA’s policies and to eliminate delay.

When taking actions such as approving ROW grants, the BLM must comply with the applicable requirements of NEPA and the CEQ’s NEPA regulations. Compliance with the NEPA process is intended to assist federal officials in making decisions about a project that are based on an understanding of the environmental consequences of the decision, and identifying actions that protect, restore, and enhance the environment. The FEIS/FEIR and this ROD document the BLM’s compliance with the requirements of NEPA for the ECO Substation Project.

1.1.3.3 BLM Eastern San Diego County Resource Management Plan

In furtherance of its authority under FLPMA, the BLM manages land in eastern San Diego County pursuant to the *Eastern San Diego County Resource Management Plan (RMP)* (2008). The Eastern San Diego County RMP and associated ROD guide the development and management of the Eastern San Diego County Planning Area, an area spanning an eastern escarpment of Southern California’s Peninsular Ranges and including more than 100,000 acres

of public land managed by the BLM. In 2008, the BLM revised the RMP for public lands in eastern San Diego County, in part to respond to the established national goals and directives regarding renewable energy development on public lands. Among other issues, the revisions made to the Eastern San Diego County RMP addressed the environmental and public concerns associated with energy development and transmission corridors in the planning area. The BLM RMP identified a select portion of the planning area as a utility corridor (this corridor has a maximum length of 1.5 miles and maximum width of 1 mile with the northern boundary being the southern boundary of the I-8 ROW and the southern boundary being the U.S.–Mexico border). The 0.8-mile underground segment of the ECO Substation Project 138 kV transmission line would be constructed and would operate within the designated utility corridor.

The RMP also addresses conflicts among various recreational users accessing BLM lands, provides direction for future site-specific development, including renewable energy projects, and provides for plan monitoring to determine the effectiveness of BLM land management strategies. The RMP further indicates that future policy decisions and land management strategies shall be compatible with the multiple-use mission of the BLM (the multiple-use mission includes recreational use and responsible development within BLM-managed lands while maintaining the environmental quality of the land).

1.1.3.4 Other Guidance and Regulations

The BLM processes ROW grant applications for electrical transmission lines in accordance BLM ROW regulations at 43 CFR 2800. In conjunction with the FLPMA, BLM authorities also include Executive Order 13212 (May 18, 2001), which mandates that agencies act expediently and in a manner consistent with applicable laws to increase the “production and transmission of energy in a safe and environmentally sound manner.”

1.2 Information Developed Since the FEIS/FEIR and Adequacy of NEPA Analysis

Since the preparation and publication of the FEIS/FEIR, no new information has become available, there have been no modifications to the Selected Alternative, and no additional NEPA analysis is required.

1.3 Decisions Being Made (40 CFR 1505.2(a))

1.3.1 Right-of-Way Grant

Under federal law, the BLM is responsible for processing requests for ROW grant applications to determine whether and to what extent to authorize requests such as renewable energy projects, transmission lines, and other appurtenant facilities on land it manages (43 U.S.C. 1764(a)). Because the project is a privately initiated venture and would be partially sited on lands managed by the BLM, the applicant applied for a ROW grant from the BLM pursuant to federal laws and regulations. The BLM concludes that the acreage that will be approved by the ROW grant is the acreage that the 138 kV transmission line corridor for the ECO Substation Project will occupy on BLM-managed land and that is necessary for constructing, operating, and maintaining the authorized facilities on public lands. In addition, the BLM has included grant conditions—based on the FEIS/FEIR, the BO, the MOA, and other applicable federal rules and regulations (any and

all of which may be amended)—to protect public health and safety, prevent unnecessary damage to the environment, and ensure that the project will not result in unnecessary or undue degradation of public lands. On approval of the ROW grant, the applicant will be authorized to construct and operate the 0.8-mile underground segment of the proposed 138 kV transmission line on 10.44 acres of public lands if the requirements specified in this ROD are met. The ROD requires the applicant to secure a Permit to Construct from the CPUC and obtain all necessary local, state, and federal permits, authorizations, and approvals. Upon receipt of the NTP, and by remaining consistent with the ROW grant, the applicant will be authorized to construct and operate the 0.8-mile underground segment of the ECO Substation Project 138 kV transmission line and associated access roads and staging areas on the proposed public land site(s). The 0.8-mile discontinuous segment of the underground 138 kV transmission line would cross public lands at three locations along Old Highway 80 (see Figure 2 of this ROD). The BLM also has the discretion to work with the developer to determine a logical sequence of construction activities to assist with meeting development financing constraints.

1.3.2 What is Not Being Approved

Under NEPA, related actions can be considered in an environmental document as “connected,” “cumulative,” or “similar” actions. NEPA regulation requires that the federal agency consider the proposed action and other “connected” or “cumulative” actions in the same EIS (40 CFR 1508.25). An agency may, but is not required to, consider other “similar” actions in the same environmental document.

As analyzed in the FEIS/FEIR, the ECO Substation, Tule Wind, and ESJ Gen-Tie Projects were considered components of the Proposed PROJECT for purposes of the California Environmental Quality Act (CEQA) and connected actions for purposes of NEPA analysis. Although these project components were analyzed in the same EIS/EIR, only a 0.8-mile underground segment of the ECO Substation Project 138 kV transmission line and portions of the Tule Wind Project would be located on BLM-administered lands (a separate ROD has been prepared and approved for the Tule Wind Project). Therefore, this decision does not approve the remaining components of the ECO Substation Project and the entire Tule Wind and ESJ Gen-Tie Projects.

As discussed in FEIS/FEIR in Section C, Alternatives, four alternatives and two no action alternatives, as well as the Proposed Action (described in FEIS/FEIR Section B.3, ECO Substation Project), were developed for full consideration in the FEIS/FEIR. The Proposed Action and four alternative configuration and design alternatives considered include the:

- Proposed Action
- ECO Substation Site Alternative (shifts proposed substation 700 feet east from Proposed Action location)
- ECO Partial Underground 138 kV Transmission Route Alternative
- ECO Highway 80 138 kV Transmission Route Alternative
- ECO Highway 80 Underground 138 kV Transmission Route Alternative.

As discussed in FEIS/FEIR Section C.5, Alternatives Eliminated from Full EIR/EIS Evaluation, other alternative sites, segments, connections, and methods were considered but eliminated from detailed analysis in the FEIS/FEIR. After consideration of the impact analysis in the FEIS/FEIR and comments from the public, federal and state agencies, and local groups and individuals, the BLM identified the Preferred Alternative, as identified in the FEIS/FEIR. This ROD addresses and approves the project components of the BLM's Preferred Alternative that are located on public lands. The rationale for this decision is discussed in Section 3.1 of this ROD.

1.4 ROW Requirements

The BLM uses Standard Form (SF) 2800-14 BLM (ROW Lease/Grant) to authorize the ROW lease/grant for the project; it includes the POD and all other terms, conditions, stipulations, and measures required as part of the lease/grant authorization. Consistent with BLM policy, the ECO Substation ROW lease/grant will include a diligent development and performance bonding requirement for installation of facilities consistent with the approved POD. Construction of the initial phase of development must commence within 2 years after the effective date of the ROW lease/grant for the ROW holder to be compliant with the terms of the grant.

Prior to the termination of the ROW authorization, a final decommissioning plan will be developed in compliance with the standards and requirements for closing a site and will be circulated for approval by interested agencies. The ROW grant could potentially be renewed by SDG&E; however, according to CFR 43 2805.15, the BLM retains the right to determine whether the ROW grant is renewable. If the applicant chooses to renew the ROW, the applicant is required to submit an application. Upon review, BLM will make a decision based on compliance history and applicable federal laws and regulations (43 CFR 2807.22(a)).

1.5 Future Changes to the Approved Project

At various times throughout the project, the need for extra workspace or additional access roads may be identified. Similarly, changes to the project requirements (e.g., mitigation measures, specifications) may be needed to facilitate construction or provide more effective protection of resources. The BLM and grant holder will work together to find solutions when adjustments are necessary for specific field situations to avoid conflicts with adopted mitigation measures or specifications.

The BLM Compliance Project Manager and Compliance Monitors will ensure that any deviation from the procedures identified under the monitoring program is consistent with NEPA requirements. No project adjustment will be approved if it creates new significant impacts or substantially modifies the project footprint. Adjustments will be limited to minor project changes that will not trigger other permit requirements or create new or greater impacts and that clearly and strictly comply with the intent of the mitigation measures. A proposed project change that has the potential for creating significant environmental effects will be evaluated to determine whether supplemental NEPA analysis is required. In some cases, an adjustment may also require approval by other jurisdictional agencies.

1.6 Summary of Conclusions

The Selected Alternative for the ECO Substation Project 138 kV transmission line (the ECO Partial Underground 138 kV Transmission Route Alternative, which includes a 0.8-mile underground segment of the transmission line across BLM-administered lands), is the action alternative that provides the most public benefits and avoids the greatest potential impacts on land use, cultural, and visual resources for the following reasons:

- As a result of the ECO Partial Underground 138 kV Transmission Route Alternative, permanent impacts are reduced because underground installation of segments of the transmission line would reduce potential conflicts involving established land uses and aboveground project facilities (i.e., transmission line and structures).
- As a result of consultation with tribal governments/representatives and the MOA, many cultural resources in the area are avoided by the Selected Alternative, or the impacts are substantially mitigated.
- The Selected Alternative would underground segments of the 138 kV transmission line and would therefore reduce the number of new aboveground structures added to the existing visual landscape.

2. Mitigation and Monitoring

2.1 Required Mitigation

The ECO Substation Project includes the following measures, terms, and conditions:

- Terms and conditions in the USFWS BO, provided in Appendix A to this ROD, as may be amended
- Terms and conditions in the MOA, provided in Appendix B to this ROD, as may be amended
- Adopted avoidance, minimization, and mitigation measures provided in FEIS/FEIR Chapter D, Environmental Analysis, as amended by this ROD (provided in Appendix C to this ROD), and as may be further amended over time
- The Draft MMCRP for this project is summarized in Section H of the FEIS/EIR. The final plan will be made available in its entirety on the CPUC website for the ECO Substation Project: <http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ecosub.htm>. The MMCRP includes verifying implementation and compliance with project mitigation measures, including preparation and implementation of plans such as, but not limited to, the Fire Protection Plan. In addition, SDG&E will be required to prepare a Habitat Restoration Plan prior to issuance of an NTP. The MMCRP includes preparation of over 30 plans. The BLM will not issue an NTP for surface-disturbing activity until the MMCRP is complete and posted on the CPUC website. The BLM will use the process described in the MMCRP to ensure that the appropriate plans are completed prior to NTP issuance for actions affecting a particular resource.

For compliance purposes, the complete language of these measures, terms, and conditions is provided in the MMCRP for the ECO Substation Project as stipulated in the ROW grant. These measures, terms, and conditions are determined to be in the public interest pursuant to 43 CFR 2805.10(a)(1), since they ensure the project will be constructed, operated, maintained, and terminated in conformity with the decisions issued by the BLM.

2.2 Monitoring and Enforcement

Federal regulations require the BLM (40 CFR 1505.3), or other appropriate consenting agency, to implement mitigation (40 CFR 1505.2(c)) and other conditions as established in the FEIS/FEIR or during its review and committed as part of the decision unless such agency explains why such measures were not adopted. The agency may also provide for monitoring to assure that its decisions are carried out and should do so in important cases. The BLM must adopt a monitoring and enforcement program where applicable for any identified mitigation (40 CFR 1505.2(c)). The BLM shall:

- Include appropriate conditions in grants, permits, or other approvals;
- Condition funding of actions on mitigation;
- Upon request, inform cooperating or commenting agencies on the progress in carrying out mitigation measures they have proposed and that were adopted by the agency making the decision; and
- Upon request, make available to the public the results of relevant monitoring.

As the federal lead agency for the ECO Substation Project under NEPA, the BLM is responsible for ensuring compliance with all adopted mitigation measures for project components of the ECO Substation Project located on public lands. The complete language of all the measures is provided in the MMCRP for the ECO Substation Project, which will be made available in its entirety on the CPUC website for the project:

<http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ecosub.htm>.

The overall objective of the MMCRP is to conduct inspections of construction activities on public lands and to evaluate and document compliance or noncompliance with the project measures and conditions applicable to public lands during project construction. The BLM also will incorporate this mitigation into the ROW grant as terms and conditions. Failure on the part of SDG&E as the grant holder to adhere to these mitigation measures, terms, and conditions could result in administrative actions up to and including termination of the ROW grant and requirement to remove the facilities and rehabilitation of all public land disturbances. All practicable means to avoid or minimize environmental harm have been adopted under this decision.

2.3 Mitigation Measures Not Adopted

Consistent with 40 CFR 1505.2(c), the ROD is to state whether all practicable means to avoid or minimize environmental harm from the ECO Substation Project have been adopted, and if

not, why. The purpose of the joint EIS/EIR was to evaluate the environmental impacts of three projects, the ECO Substation, Tule Wind, and ESJ Gen-tie Projects. The proposed ECO Substation Project includes two substations, the ECO Substation and Boulevard Substation rebuild, as well as the 138 kV transmission line, which includes both an underground and overhead component on private lands for which the CPUC considered SDG&E's Permit To Construct and are not the subject of this ROD. As such, some of the proposed mitigation measures identified in the EIS/EIR are not applicable to the 138 kV transmission portion traversing BLM-managed lands, which is the subject of this ROD. Mitigation measures that are not under the compliance enforcement authority of the BLM are not considered to be BLM-required mitigation. Mitigation measures not applicable to the BLM-required mitigation include measures related to the overhead 138 kV transmission components as the BLM ROD is limited to underground transmission facilities. As such, there may be mitigation measures identified in the FEIS/FEIR that are not adopted by the BLM because they are not within its compliance authority or not applicable to the effects of the BLM portion of the project.

The FEIS/FEIR identified mitigation measures for effects on non-BLM lands. The BLM will not adopt the following mitigation measures because they are not applicable to the effects of the BLM action (undergrounding 0.8 mile of the 138 kV transmission line). The full text of the following mitigation measures are found in the MMCRP, which will be posted on the CPUC's project website (<http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ecosub.htm>).

MM BIO-7g Conduct protocol surveys for Quino checkerspot butterfly [*Euphydryas editha quino*] within 1 year prior to project construction activities in occupied habitat.

MM BIO-7h Provide compensation for temporary and permanent impacts to Quino checkerspot butterfly habitat through conservation and/or restoration.

MM BIO-7i Final design of transmission towers and access roads through Quino checkerspot butterfly critical habitat shall maximally avoid host plants for Quino checkerspot butterfly.

Rationale Under the Selected Alternative, portions of the 138 kV transmission line on BLM-managed lands would not be located within USFWS-designated Quino checkerspot butterfly occupied habitat.

MM BIO-10a Design all transmission towers and lines to conform with Avian Power Line Interaction Committee standards.

MM BIO-10b Develop and implement project-specific Avian Protection Plans.

Rationale Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands and would not result in wire and/or transmission tower impacts from electrocution and collision of bird species with towers or wires.

MM VIS-1a Reduce impacts at scenic highway and trail crossings.

MM VIS-1b Reduce impacts at scenic view areas.

Rationale Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands. Aboveground transmission towers and line would not be constructed on BLM-managed lands.

MM VIS-3g Reduce visual contrast associated with substation and ancillary facilities.

MM VIS-3h Screen substations and ancillary facilities.

Rationale MM VIS-3g applies to visual contrast associated with the construction and operation of Proposed Action substations and ancillary facilities. Under the Selected Alternative, substations and ancillary facilities would not be constructed on BLM-managed lands.

MM VIS-3i Reduce potential visual contrast of transmission structures.

MM VIS-3j Reduce potential transmission conductor visibility and visual contrast.

MM VIS-3k Reduce potential visual contrast from transmission structure spacing.

MM VIS-3l Reduce potential view blockage and visual contrasts of structures.

Rationale There are no residences located on BLM-managed lands. Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands. Aboveground transmission structures would not be constructed on BLM-managed lands.

MM VIS-4a Reduce long-term night-lighting impacts from substations and ancillary facilities.

Rationale Under the Selected Alternative, substations and ancillary facilities would not be constructed on BLM-managed lands.

MM NOI-2 Conductor configuration selection to address noise impacts.

Rationale Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands. Underground transmission infrastructure would not generate perceptible corona noise.

MM TRA-3 Consult with and inform the FAA, DOD, and U.S. Customs and Border Protection.

Rationale Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands and conflicts between aircraft and underground facilities would not occur.

MM HAZ-1d Testing for environmental hazards associated with demolition.

Rationale This measure is applicable to the Boulevard Substation, which, under the Selected Alternative, would not be located on BLM-managed lands.

MM HAZ-2a Test for pesticides/herbicides on currently or historically farmed land.

Rationale This measure is applicable to the portion of the proposed 138 kV transmission line that would traverse Jacumba Valley Farms that is not on public lands. Under the Selected Alternative, the 138 kV transmission line on BLM-managed lands would not be located on currently or historically farmed lands.

MM HAZ-5a Spill Prevention Control and Countermeasure Plan.

MM HAZ-5b Hazardous Materials Business Plan.

Rationale These measures are applicable to proposed substation facilities and under the Selected Alternative, substation facilities would not be located on BLM-managed lands.

MM PS-1a Minimize electromagnetic and public safety communications.

MM PS-1b Limit conductor surface potential.

MM PS-1c Document complaints of broadcast interference.

Rationale Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands; therefore, no impact to communication systems would occur.

MM HYD-4 Preparation of a Stormwater Management Plan.

Rationale Under the Selected Alternative, the 138 kV transmission line would be installed underground on BLM-managed lands and there would be no impervious surface area created and no runoff potential.

2.4 Statement of All Practicable Mitigation Adopted

As required in the BLM *NEPA Handbook H-1790-1* and 40 CFR 1505.2(c), all practicable means to avoid or minimize the environmental harm from the alternative selected have been adopted by this ROD. The complete language of the adopted mitigation measures is provided in Appendix C to this ROD, and mitigation measures the BLM is not adopting are provided in Section 2.3 of this ROD. Additional mitigation may be necessary to fully mitigate potential effects of the project according to state laws (including CEQA), rules, policy, or regulations.

2.5 Coordination with Other BLM Monitoring Activities

In 2009, the BLM and the CPUC formalized a Memorandum of Understanding (MOU) for the joint environmental review of the ECO Substation and Tule Wind Projects. The purpose of the MOU was to set forth the understanding between BLM and CPUC pertaining to conditions and procedures to be followed in preparing and completing a joint EIS/EIR, including the environment and technical information collection, analysis and reporting necessary to fully comply with the NEPA and CEQA regulations and guidelines pertaining thereto. In addition, the

MOU states that the CPUC shall be responsible for implementing all mitigation and monitoring provisions on both state and federal lands for the ECO Substation Project only, as adopted in the FEIS/FEIR. However, this MOU does not waive BLM's authority to enforce the terms of the grant, including mitigation measure incorporated into the grant as stipulations.

3. Management Considerations

3.1 Decision Rationale

This decision approves a ROW grant for the 0.8-mile underground segment of the ECO Substation Project 138 kV transmission line located on BLM-managed public lands as analyzed in the FEIS/FEIR under the ECO Partial Underground 138 kV Transmission Route Alternative (the Selected Alternative). The BLM's decision to authorize this activity is based on the findings of the associated FEIS/FEIR and the rationale described throughout the ROD and as detailed in the following sections.

3.1.1 Respond to Purpose and Need

The BLM's purpose and need for the ECO Substation Project is to respond to the applicant's application under Title V of FLPMA for a ROW grant to construct, operate, maintain, and terminate a 0.8-mile underground segment of a 138 kV transmission line on public lands in compliance with FLPMA, BLM ROW regulations, and other applicable federal laws. Specifically, the BLM has decided to approve a ROW grant to the applicant for the Selected Alternative (a 0.8-mile underground segment of the ECO Partial Underground Transmission Route 138 kV Alternative that would be located on BLM-managed lands).

The construction, operation, maintenance, and termination activities associated with the Selected Alternative, either singularly or with mitigation, are in conformance with the following land use plans and policies:

- BLM Eastern San Diego County RMP of 2008
- BLM policy and guidance for issuing ROW grants.

The Selected Alternative meets the BLM purpose and need for the ECO Substation Project.

3.1.2 Achieve Goals and Objectives

The Selected Alternative would accomplish the objectives of the purpose and need, including conveying electricity from renewable generation projects into a state-of-the-art electric transmission grid system, as well as federal and state objectives for renewable energy development. The project complies with Eastern San Diego County RMP utility corridor objectives for the placement of major utility ROWs within the designated utility corridor. Additionally, the BLM consulted extensively with affected Native American tribes and other responsible parties to identify project modifications that would minimize impacts to natural and cultural resources. The Selected Alternative provides the best balance between maximizing renewable energy capacity while reducing adverse impacts as compared to other action alternatives.

3.1.3 Status of Required Actions

The following federal statutes require that specific actions be completed prior to issuing an ROD and project approval. Specifically, the project proponent must secure a BO pursuant to the Endangered Species Act (ESA), an MOA must be executed under the NHPA, and appropriate permits under the Clean Water Act.

3.1.3.1 Endangered Species Act of 1973

Section 7 of the ESA (16 U.S.C. 1531 et seq.) requires federal agencies to consult with USFWS to ensure that the actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of a threatened or endangered terrestrial species or result in the destruction or adverse modification of critical habitat for these species. Under ESA Section 7(b)(3), USFWS provides a written statement (BO) setting forth the agency's opinion, and a summary of the information on which the opinion is based detailing how the Proposed Action affects the species or its critical habitat for the entirety of the Proposed Action. If jeopardy or adverse modification is found, the agency suggests reasonable and prudent alternatives that can be taken in implementing the agency action.

On September 8, 2010, the applicant formally initiated consultation through submittal of the *San Diego Gas and Electric Company East County Substation Project Biological Assessment* (to the USFWS, which addressed endangered and threatened species near the project site. In addition, a request for formal Section 7 consultation was submitted to USFWS by the BLM on the same day. Between September 2010 and May 2011, USFWS, BLM, CDFG, and the applicant participated in numerous meetings and workshops. The coordination among these agencies resulted in the development of mitigation measures to avoid, minimize, and offset impacts to the Quino checkerspot butterfly. On May 16, 2011, USFWS provided a draft BO for review and comment to the BLM and SDG&E and comments were provided back to the USFWS in a memorandum dated June 29, 2011. The USFWS issued a BO for the ECO Substation Project on September 1, 2011 (FWS-SD-10B0136-11F0122). The BO is provided in Appendix A to this ROD.

The BO concludes that with implementation of the stated conservation measures, impacts of the ECO Substation project would be effectively minimized and offset, and are not likely to jeopardize the continued existence of the Quino checkerspot butterfly. In addition, the BO extended an exemption for take of Quino checkerspot butterfly incidental to SDG&E's maintenance of the substation and the transmission line.

Since the Selected Alternative in this ROD does not impact Quino checkerspot butterfly, compliance with the BO for private land impacts is the responsibility of SDG&E. The BLM's issuance of a ROW grant will require SDG&E to comply with the BO, and any amendment thereto, since the BO was issued for the ECO project as a whole. However, compliance with the conservation measures, or the terms and conditions of the BO remain the responsibility of the grant holder since they are not within the administrative jurisdiction of the BLM. Similarly, the grant contains a standard stipulation that requires compliance with the BO, as amended.

3.1.3.2 The Bald and Golden Eagle Protection Act

The Bald and Golden Eagle Protection Act of 1940 (16 U.S.C. 668) protects bald and golden eagles (*Haliaeetus leucocephalus* and *Aquila chrysaetos*) by prohibiting the taking, possession, and commerce of such birds and establishes civil penalties for violation of this act. Under the act, “take” includes to “disturb,” which means “to agitate or bother a bald eagle or a golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, (1) injury to an eagle, (2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or (3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior” (50 CFR 22.3).

Due to the distance of known golden eagle nests in relation to the ECO Substation Project area, the FEIS/FEIR determined that direct and indirect impacts to nesting golden eagles from construction activities would not be adverse and no loss of individuals or territories are anticipated. The FEIS/FEIR also concluded that the removal of suitable foraging habitat for this species would be an insignificant proportion of the available foraging habitat in the region.

Mitigation Measure BIO-10b of the FEIS/FEIR requires SDG&E to develop and implement an Avian Protection Plan related to wire, transmission tower, and facilities impacts from electrocution and collision of bird species, including raptors. The Avian Protection Plan would be developed jointly with the USFWS and CDFG and would provide the framework necessary for implementing a program to reduce bird mortalities and document response actions. The CPUC will be responsible for ensuring an Avian Protection Plan has been developed for the ECO Substation Project in accordance with Mitigation Measure BIO-10b and that SDG&E submits it to CDFG and USFWS for review and comment. Since no aboveground components of the 138 kV transmission line will be constructed within BLM-managed lands, the BLM will not adopt Mitigation Measure BIO-10b and has no oversight responsibility of the Avian Protection Plan.

3.1.3.3 The National Historic Preservation Act

Section 106 of the NHPA (16 U.S.C. 470) requires federal agencies to take into account the effects that their approvals and federally funded activities and programs have on historic properties. “Historic properties” are those properties that are included in, or eligible for, the National Register of Historic Places (36 CFR 800.16(l)(1)). The BLM initiated consultation for the ECO Substation Project under NHPA Section 106, and the requisite process has been completed. In accordance with 36 CFR 800.6, an MOA has been executed to address impacts to cultural resources caused by the ECO Substation Project. As a result, the Selected Alternative would result in impacts that are less than the other build alternatives related to cultural resources. The executed MOA is provided in Appendix B to this ROD.

3.1.3.4 Clean Air Act, as Amended in 1990

Title 40 CFR 51 (Subpart W - Determining Conformity of General Federal Actions to State or Federal Implementation Plans) and Title 40 CFR 93 (Subpart B - Determining Conformity of General Federal Actions to State or Federal Implementation Plans) require federal actions to comply with the requirements of the 1990 amendments to the Clean Air Act (CAA) (42 U.S.C 7401 et seq.). The ECO Substation Project will be in conformance with the requirements of the CAA based on the project mitigation, terms, conditions, and stipulations

related to emission controls and reductions during project construction, operation, maintenance, and termination phases.

3.1.3.5 Clean Water Act

The Clean Water Act (CWA) (33 U.S.C. 1251-1376) provides guidance for the restoration and maintenance of the chemical, physical, and biological integrity of the nation's waters. Section 401 requires an applicant for a federal license or permit that allows activities resulting in a discharge to navigable waters to obtain a state certification that the discharge complies with other provisions of the CWA (33 U.S.C. 1341). The Regional Water Quality Control Boards (RWQCBs) administer the certification program in California. Section 402 establishes a permitting system for the discharge of any pollutant (except dredge or fill material) from a point source into navigable waters (33 U.S.C. 1342). Section 404 establishes a permit program administered by the ACOE to regulate the discharge of dredged or fill material into the navigable waters, including wetlands (33 U.S.C. 1344). The CWA also contains the requirements under which the RWQCBs set water quality standards for all contaminants in the waters of the U.S.

In the State of California, CDFG must be notified prior to beginning any activity that would obstruct or divert the natural flow of, use material from, or deposit or dispose of material into a river, stream, or lake, whether permanent, intermittent, or ephemeral waterbodies under Section 1602 of the California Fish and Game Code. The final proposal that is mutually agreed upon by CDFG and the applicant is the Streambed Alteration Agreement and the conditions of a Streambed Alteration Agreement and a CWA Section 404 permit often overlap.

As discussed in the FEIS/FEIR, numerous dry washes, swales, and wetland features occur in the 138 kV transmission line project area and the construction of project components on public lands have the potential to impact water resources under the jurisdiction of the ACOE, RWQCB, and CDFG. Because construction activities associated with the Selected Alternative would impact ACOE-, RWQCB-, and CDFG-jurisdictional resources, the project applicant will be required to obtain several of the necessary permits discussed above prior to issuance of an NTP, including a CWA Section 404 permit from ACOE, Section 401 certification from the RWQCB, and a Streambed Alteration Agreement from CDFG. The project applicant will ensure that permits from resource agencies having jurisdiction over jurisdictional resources are obtained prior to issuance of the NTP that would result in direct impacts to jurisdictional resources. The permits obtained from resource agencies will identify the required mitigation to ensure no-net-loss.

3.1.4 Statement of No Unnecessary or Undue Degradation

Congress has declared that public lands be managed for multiple use and sustained yield and in a manner to protect certain land values, provide food and habitat for species, and provide for outdoor recreation and human occupancy and use (43 U.S.C. 1701(a)(7), (8)). Multiple-use management means that public land resources are to be managed to best meet the present and future needs of the American public, taking into consideration the long-term needs of future generations without permanent impairment of the lands (43 U.S.C. 1702(c)). BLM manages public land through land use planning, acquisition, and disposition, and through regulation of use, occupancy, and development of the public lands (43 U.S.C. 1711–1722, Subchapter II; 43 U.S.C. 1731–1748, Subchapter III).

FLPMA specifically provides that in managing the use, occupancy, and development of the public lands, the Secretary of the Interior shall take any action necessary to prevent unnecessary or undue degradation of the lands (43 U.S.C. 1732(b)). The process for siting and evaluating the ECO Substation Project 138 kV transmission line has included extensive efforts on the part of BLM, CPUC, the applicant, local Native American tribes, other agencies, and public commenters to identify a project that accomplishes the purpose and need and other project objectives while preventing any unnecessary or undue degradation of the public lands. These efforts have included:

- Siting of the proposed transmission line in a location identified as suitable for major new utility ROWs (following NEPA review)
- Modification of the proposed alignment of the transmission line to minimize impacts to visual resources, cultural, and other resources
- Evaluation of project location alternatives that could meet the purpose and need for the proposed project, but result in the avoidance and/or minimization of impacts.

In addition, BLM ROW regulations at 43 CFR 2805.11(a)(1) to (5) require determinations for the following:

BLM will limit the grant to those lands which BLM determines:

- 1. Will be occupied with authorized facilities;*
- 2. Are necessary for constructing, operating, maintaining, and terminating the authorized facilities;*
- 3. Are necessary to protect the public health and safety;*
- 4. Will not unnecessarily damage the environment; and*
- 5. Will not result in unnecessary or undue degradation.*

The lands described in Section 1.3.1 of this ROD are the minimum necessary to accommodate the project. All lands that were originally included under the Selected Alternative that were determined not necessary for construction or operation and maintenance of the proposed facilities were eliminated from the project boundary. All temporary disturbances associated with underground utilities will be restored immediately to minimize erosion in accordance with approved restoration plans. Public health and safety will not be compromised by construction of the project as work areas will be posted and public access to those areas controlled to prevent possible injury to the public.

The Selected Alternative will achieve the beneficial impacts of the Proposed Action, including socioeconomic benefits of increases in employment during construction, the accommodation of the delivery of renewable energy to meet state and federal renewable energy goals from wind and solar sources in San Diego County, and displacement of greenhouse gas and air pollutants that are reduced and minimized with renewable energy generation. Based on the comparative

analysis of the ability of each alternative to meet the purpose and need, and the environmental impacts that would be associated with each alternative as discussed in the FEIS/FEIR and as summarized above, the Selected Alternative was identified by the BLM as an alternative that does not unnecessarily damage the environment or create unnecessary or undue degradation of public lands.

The ECO Substation Project meets the requirements of applicable ROW regulations inasmuch as it includes terms, conditions, and stipulations that are in the public interest; prevents surface disturbance unless and until an NTP is secured; is issued for a period of 30 years, subject to potential renewal and periodic review; and contains diligence and bonding requirements to further protect public land resources. This approval provides that public land will be occupied only with authorized facilities and only to the extent necessary to construct, operate, maintain, and terminate the project. BLM conditions of approval provide for public health and safety and protect the environment and public lands at issue. The conditions of approval include compliance with this ROD, the FEIS/FEIR, the BO, and the MOA, as any or all of these may be amended. These federal requirements provide the basis for BLM's determination that the segments of the ECO Substation Project 138 kV transmission line located on BLM-managed public lands will not unnecessarily or unduly degrade these public lands.

3.1.5 Statement of Technical and Financial Capability

FLPMA and its implementing regulations require that a project application include information on an applicant's technical and financial capability to construct, operate, maintain, and terminate the transmission line applied for (43 CFR 2804.12(a)(5)). This technical capability can be demonstrated by international or domestic experience with transmission lines or other types of electric energy-related projects on either federal or non-federal lands. Financial capability can be demonstrated by the disclosure of the availability of sufficient capital to carry out the proposed development.

SDG&E's statement of technical and financial capability is provided in the POD and the application for a ROW. SDG&E is a regulated public utility that supplies power to approximately 1.4 million accounts in a 4,100-square-mile service area. In addition, SDG&E is owned by Sempra Energy, an international energy services company consisting of five investor-owned utilities in North America and several subsidiaries in South America. The company (which employs approximately 17,500 people) serves more than 31 million customers. Sempra-owned enterprises include a full-service utility (SDG&E), a natural gas distribution utility (Southern California Gas Company), natural-gas fire power plants, natural gas pipelines and storage facilities, and liquefied natural gas receipt terminals, and has proposed wind generation facilities. The applicant has provided information on the availability of sufficient capital to carry out development, including the preliminary study phase of the project, as well as site testing, construction, and monitoring activities. Based on information provided by the applicant during the ROW grant and environmental review processes, the BLM has determined that it has the technical and financial capability required to construct, operate, maintain, and terminate the approved facility.

3.1.6 Adequacy of NEPA Analysis

Since the preparation and publication of the FEIS/FEIR, there have been no modifications to proposed project features or new project features or components that might require additional analysis through preparation of a supplemental EIS/EIR. This conclusion is in accordance with agency guidance set forth in Section 5.3 of the BLM NEPA Handbook (H-1790-1). The handbook addresses regulations issued by the CEQ at 40 CFR 1502.9(c), which call for agencies to prepare supplements to either a DEIS or FEIS if: (i) the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or (ii) there are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Moreover, the BLM has determined that a supplemental analysis is not required based on the following findings from the BLM NEPA Handbook:

- No substantial changes have been made to the Proposed Action that are relevant to environmental concerns (40 CFR 1502.9(c)(1)(i))
- No new alternative has been added that is outside the spectrum of alternatives already analyzed (see Question 29b, CEQ, Forty Most Asked Questions Concerning CEQ's NEPA Regulations, March 23, 1981)
- There are no significant new circumstances or information relevant to environmental concerns and bearing on the Proposed Action or its effects (40 CFR 1502.9(c)(1)(ii)).

In light of the above analysis and because no substantial changes have been made to the Selected Alternative that are relevant to environmental concerns and no new information substantially changes the analysis and effects identified in the FEIS/FEIR (40 CFR 1502.9(c)), no determination of NEPA adequacy is provided in this ROD and supplemental environmental analysis is not required.

3.2 Relationship to Agencies, Plans, Programs, and Policies Including Consultation

3.2.1 Endangered Species Act Section 7

The BLM's authorization of the requested ROW grant for the ECO Substation Project, including the resulting consultation and coordination with the USFWS, complies with ESA Section 7 regarding potential take of the Quino checkerspot butterfly.

As discussed in Section 3.1.3, the USFWS has jurisdiction over threatened and endangered species listed under the ESA. Formal consultation with the USFWS under ESA Section 7 concluded with the September 1, 2011, issuance of a BO for the ECO Substation Project related to potential impacts to the federally threatened Quino checkerspot butterfly and its designated critical habitat. Implementation of the conservation measures identified in the BO would reduce potential adverse impacts to the species. Implementation of these measures by SDG&E is mandatory and a condition of approval of this ROD. The BO is provided in Appendix A to this ROD.

3.2.2 National Historic Preservation Act – Memorandum of Agreement

The BLM's authorization of the requested ROW grant for the ECO Substation Project, including the resulting consultation, coordination, development, and agreement memorialized in the MOA

(provided in Appendix B to this ROD), complies with NHPA Section 106 of the NHPA regarding potential impacts related to cultural resources. The MOA documents the consultation and coordination that has occurred with respect to the project under Section 106 and reflects the measures identified to avoid, minimize, or mitigate the adverse effects of the Project on cultural resources.

Under NHPA Section 106, the BLM consults with parties that have an interest in effects of the undertaking on historic properties. The BLM consulted with the State Historic Preservation Officer, the ACOE, Native American tribes and the applicant as part of its responsibilities to identify, evaluate, and resolve adverse effects on cultural resources affected by BLM undertakings. The Advisory Council on Historic Preservation was invited into consultation on this project and they elected not to participate. In accordance with 36 CFR 800.6(b), an MOA is used for the resolution of adverse effects to historic properties in those situations where the agency and the SHPO agree on how the adverse effects will be resolved.

Based on the ongoing consultation with the consulting parties, including tribal governments and their representatives, many cultural resources in the area are avoided by the Selected Alternative and unavoidable impacts are substantially reduced. As a result, the Selected Alternative would result in impacts less than or similar to the other build alternatives related to cultural resources.

3.2.3 National Historic Preservation Act – Government-to-Government Consultation

The BLM conducted government-to-government consultation with a number of tribal governments. The BLM invited tribes to consult on the proposed ECO Substation Project during the earliest stages of project planning. Tribal consultation was initiated by letter by the BLM for the ECO Substation Project on December 9, 2009. This letter also determined that the Tule Wind and ECO Substation Projects were connected actions that would undergo Section 106 review concurrently. Additional letters were sent by the BLM for both projects on April 1, 2010, and September 20, 2010. A Section 106 Consulting Party Meeting was held on March 1, 2011, to discuss separating the Tule Wind and ECO Substation Projects for the purposes of Section 106 review.

An additional letter for the ECO Substation Project was sent on March 25, 2011, inviting tribes to another Section 106 Consulting Party Meeting. This meeting was held on April 19, 2011, to discuss the Section 106 process to date. The ECO Substation Project was also addressed at the formal government-to-government meetings held with the Campo Band of Mission Indians and the Manzanita Band of Kumeyaay Indians.

The consultation and discussions revealed concerns about the importance and sensitivity of cultural resources on and near the ECO Substation Project site, concerns about cumulative effects to cultural resources, and, further, that the tribal governments attach significance to the broader cultural landscape. As a result of the Native American consultation process the Jacumba Valley was identified as an area that has great cultural significance to local tribes. Many important cultural resources were identified in the project study area, and subsequently avoided in the Selected Alternative.

As described in Section 3.2.2, the BLM also consulted with Native American tribes and interested tribal members on the development and execution of an MOA dated August 2012 for the ECO Substation Project, in accordance with 36 CFR 800.14(b). The project MOA includes a Historic Properties Treatment Plan and a Plan for Archaeological Monitoring, Post-Review Discovery and Unanticipated Effects. The MOA also include stipulations for the creation of Environmentally Sensitive Areas to protect archaeological sites during construction, and provisions for inadvertent discoveries and monitoring during construction. The MOA will implement actions identified in mitigation measures (see Appendix B to this ROD). The BLM recognizes the significance of the Jacumba Valley to the tribes and has developed, in consultation with the tribes, practicable measures to avoid, minimize, or mitigate the impacts of the Project on cultural resources in the Jacumba Valley. These measures include additional archaeological surveys and completion of a regional synthesis and landscape study to support regional efforts to define the Jacumba Discontiguous Archaeological District and National Register nomination. Based on the ongoing consultation with tribal governments and their representatives and the MOA, many cultural resources in the area are avoided by the Selected Alternative and unavoidable impacts are substantially reduced. The BLM recognizes that many tribes attach religious and cultural significance to the project area and the broader landscape, and it also recognizes that the project being approved will be an adverse effect. However, as with all cultural or historical resources, the identification of historic properties and the potential effects of an undertaking are one fact that goes into the decision whether to approve the undertaking. As explained above, the BLM has determined that it has, in consultation with the tribes, identified all practicable measures to avoid, minimize, or mitigate the impacts of the project on cultural resources.

See FEIS/FEIR Section I.4.3, Native American Tribes, for a detailed description of the government-to-government consultation conducted by BLM.

3.2.4 Bald and Golden Eagle Protection Act

This act provides for the protection of bald and golden eagles by prohibiting, except under certain specified conditions, disturbance or harm to these species. Although project-related disturbance or harm to golden eagles is not anticipated due to the location of the project, in order to comply with the act, the applicant will develop an Avian Protection Plan prior to issuance of an NTP for the ECO Substation Project (see Mitigation Measure BIO-10b in the FEIS/FEIR). The Avian Protection Plan identifies steps the applicant will take to ensure impacts to bird species (including eagles) are mitigated to the extent possible, including but not limited to, avian reporting systems, mortality reduction measures, and avian enhancement options. The CPUC will be responsible for ensuring an Avian Protection Plan has been developed for the ECO Substation Project. Since no aboveground components of the 138 kV transmission line will be constructed within BLM-managed lands, the BLM is not adopting Mitigation Measure BIO-10b and has no oversight responsibility of the Avian Protection Plan.

3.2.5 Clean Water Act

The ACOE has jurisdiction to protect the aquatic ecosystem, including water quality and wetland resources under Section 404 of the CWA. Implementing regulations by the ACOE are found at 33 CFR 320–330. Guidelines for implementation are referred to as the “Section 404(b)(1)

Guidelines” and were developed by the EPA in conjunction with the ACOE (40 CFR 230). Under that authority, ACOE regulates the discharge of dredged or fill material into waters of the United States, including wetlands, by reviewing proposals to determine whether they may impact such resources and, thereby, are subject to Section 404’s permit requirement. The ACOE may grant authorization under either an individual permit or a nationwide permit to address operations that may affect the ephemeral washes on the project site. Throughout the environmental review process for the ECO Substation Project, the BLM has provided information to the ACOE to assist the agency in making a determination regarding its jurisdiction and need for a Section 404 permit. ACOE determined that the ECO Substation Project would result in approximately 0.4 acre of temporary impact and 0.9 acre of permanent impact to ACOE-jurisdiction resources subject to its Section 404 jurisdiction. All plans and compensatory lands associated with the 404 permit process will be made available prior to construction of the applicable project phase that would impact resources regulated under the 404 permit. No impacts to waters will result until habitat mitigation has been obtained by SDG&E. SDG&E is working closely with ACOE and submitted the Section 404 permit application to ACOE on December 16, 2010, and a revised permit application (the pre-construction notification package) was submitted to ACOE on November 11, 2011. SDG&E will be responsible for complying with all permit conditions identified in the 404 permit.

3.2.6 Clean Air Act Section 309

Section 309 of the Clean Air Act requires the EPA to review and comment in writing on all federal actions affecting the quality of the environment (i.e., other federal agency EISs) (42 U.S.C. 7609). In accordance with BLM’s Instruction Memorandum 2012-003, BLM included the EPA in the EIS process for the ECO Substation Project. EPA received the Notice of Intent (NOI) in December 2009 and provided written comments on the Proposed Action and the EIS/EIR preparation during the scoping process, as well as written comments during the review period for the Draft (DEIS/DEIR) that occurred December 2010 through March 2011. In March 2010, a comprehensive Scoping Report was published summarizing concerns received from various agencies and the public. Comments received during the scoping process were addressed in the DEIS/DEIR. In addition, BLM prepared responses to EPA’s DEIS/DEIR public review comments that are included in Volume 3 of the FEIS/FEIR (response to comment letter A5). See FEIS/FEIR Section I, Public Participation, for a detailed description of the public participation process.

3.2.7 United States Department of Defense

BLM coordinates with the Department of Defense prior to approval of ROWs for renewable energy, utility, and communication facilities to ensure that these facilities would not interfere with military training routes. As discussed in the Section B of the FEIS/FEIR, helicopters would be used for line work, particularly while installing new structures and stringing the new conductor, which would temporarily increase air traffic and encroach on navigable air space during construction. SDG&E (or its contractor) would coordinate flight patterns with local air traffic control, the Federal Aviation Administration, and the Department of Defense prior to construction or maintenance activities to prevent any potential safety issues (see Appendix C, Adopted Mitigation Measures, Mitigation Measure TRA-3).

3.2.8 Coordination with Other Federal, Tribal, State, Regional, and Local Agencies

This section lists other federal, state, regional, and local agencies with which the BLM and/or the applicant have consulted as part of project planning, scoping, and public review of the DEIS/DEIR. Those agencies include, but may not be limited to, CDFG, State Water Resources Control Board (SWRCB)/RWQCB, and CPUC. The applicant may also have to obtain permits or other authorizations from other agencies or comply with requirements of other agencies that did not provide written input during the NEPA process.

3.2.8.1 California Department of Fish and Game

The CDFG protects fish and aquatic habitats within the State of California through regulation of modifications to streambeds under Section 1602 of the California Fish and Game Code. CDFG regulates activities that could divert, obstruct, or change the natural flow or the bed, channel, or bank of any river, stream, or lake in California that the agency has designated as one that is used by or provides benefit to a fish or wildlife resource. CDFG also evaluates potential impacts to vegetation and wildlife resulting from disturbances to waterways during its permitting process. The BLM and the applicant provided information to CDFG to assist the agency in its determination of the impacts to streambeds, and its identification of permit and mitigation requirements. The applicant submitted a Notification of Lake or Streambed Alteration with the CDFG South Coast Region on November 4, 2011. Compliance with the requirements of this agreement was identified in the FEIS/FEIR and will be adopted as a mitigation measure (see Mitigation Measure BIO-2a in Appendix C to this ROD).

3.2.8.2 State Water Resources Board/Regional Water Quality Control Board

The SWRCB works in coordination with the nine RWQCBs to preserve, protect, enhance, and restore water quality. The RWQCBs have authority to protect surface water and groundwater under their jurisdiction. Throughout the NEPA process, the BLM and the applicant have invited the SWRCB and the Colorado River Basin RWQCB to participate in public scoping and workshops and have provided information to assist the agency in evaluating the potential impacts and permitting requirements of the project. The ACOE determined that the project site contains ACOE-jurisdictional resources and CWA Section 401 Water Quality Certification from the SWRQCB/RWQCB will be required. SDG&E submitted the permit application to the Colorado River Basin RWQCB on November 8, 2011, and the permit is in process.

3.2.8.3 California Public Utilities Commission

The CPUC is the co-lead agency and is responsible for CEQA compliance during the preparation of the EIS/EIR for the ECO Substation, Tule Wind, and ESJ Gen-Tie Projects, which included the ECO Substation analyzed as a project component in the FEIS/FEIR. The BLM and CPUC signed an MOU in December 2009 agreeing to prepare a joint NEPA/CEQA document for the project. The CPUC will use the ECO Substation, Tule Wind, and ESJ Gen-Tie Project EIS/EIR to comply with the environmental review requirements under CEQA necessitated by SDG&E's submittal of an application for a Permit to Construct the ECO Substation Project. SDG&E submitted its application to the CPUC on August 10, 2009.

3.3 Land Use Plan Conformance

Approval of the Proposed Action is in conformance with the Eastern San Diego County RMP, the applicable land use plan for public lands on which a 0.8-mile discontinuous segment of the proposed 138 kV transmission line would operate. The FEIS/FEIR analyzed components of the Proposed Action located on public lands for consistency with the relevant policies of the RMP and determined that project components were consistent with the identified policies. In addition, in the Eastern San Diego County RMP, the BLM identifies a utility corridor in the planning area and prefers that major new utility ROWs be located within the designated utility corridor (segments of the 138 kV transmission line would be located on lands within the designated corridor). Therefore, approval of components of the Proposed Action located on public lands would be in conformance with the applicable land use plan.

4. Alternatives (40 CFR 1505.2(b))

The Selected Alternative was chosen from among the applicant-proposed ECO Substation Project (the Proposed Action) and 21 alternatives, including 15 alternative substation sites/transmission line alignments and 6 design alternatives. In addition, alternative methods of generating electricity, including energy efficiency, distributed generation, and nuclear energy were evaluated. Four of the 21 ECO Substation Project alternatives were carried forward for more detailed review; the remaining alternatives were considered but eliminated from detailed analysis. The DEIS/DEIR analyzed the following configuration and design alternatives for the ECO Substation Project, in addition to the Proposed Action and the two No Action Alternatives:

- ECO Substation Site Alternative
- ECO Partial Underground 138 kV Transmission Route Alternative
- ECO Highway 80 138 kV Transmission Route Alternative
- ECO Highway 80 Underground 138 kV Transmission Route Alternative.

The environmental analysis for the ECO Substation Project alternatives results in the identification of the overall environmentally preferable alternative for the 138 kV transmission line as the ECO Partial Underground 138 kV Transmission Route Alternative. The Selected Alternative would reroute the proposed overhead transmission line between milepost 0.3 and 2.4 to be installed underground along Old Highway 80 and Carrizo Gorge Road, where it would then reconnect with the proposed overhead transmission line. Approximately 0.8 mile (three discontinuous segments measuring approximately 1,263 feet, 257 feet, and 2,693 feet in length) of this alternative alignment would be located on BLM-managed lands.

The Selected Alternative reduces permanent impacts because the alternative alignment area has been previously disturbed and, due to adjacency to Old Highway 80, would have reduced access requirements. While this alternative would increase short-term construction impacts due to increased trenching for undergrounding the 138 kV transmission line, it would reduce long-term visual resource, land use, and cultural resource impacts.

4.1 Alternatives Fully Analyzed

The Proposed Action and six alternatives were fully analyzed in the FEIS/FEIR. These consisted of five action alternatives (the Proposed Action, the ECO Substation Site Alternative, the ECO Partial Underground 138 kV Transmission Route Alternative, the ECO Highway 80 138 kV Transmission Route Alternative, and the ECO Highway 80 Underground 138 kV Transmission Route Alternative) and two No Action Alternatives (No Project Alternative 1 (No ECO Substation, Tule Wind, ESJ Gen-Tie, Campo, Manzanita, or Jordan wind energy projects) and No Project Alternative 2 (No ECO Substation Project)). With the exception of the No Action Alternatives, each of the fully analyzed alternatives would develop new energy infrastructure on public lands, which would transmit renewable and non-renewable energy generated in the project area and would therefore contribute to the BLM's goal for increased renewable energy development on public lands as established by the Energy Policy Act of 2005. The Proposed Action is described in detail below and the six fully analyzed action alternatives are summarized in Section 4.1.2.

4.1.1 Proposed Action

The Proposed Action would provide an interconnection hub for renewable generation along SDG&E's existing SWPL 500 kV transmission line. Within this area, approximately 110 acres would be permanently disturbed by construction and operation of project facilities. The proposed site is located in southeastern San Diego County, approximately 70 miles east of downtown San Diego, south of I-8 and in the vicinity of the unincorporated communities of Boulevard and Jacumba, California (see Figure 1 of this ROD). The Proposed Action consists of a new 500/230/138 kV electrical substation (the ECO Substation), loop-in of the existing SWPL to the ECO Substation, a new 13.3-mile 138 kV overhead transmission line running between the proposed ECO Substation and the rebuilt Boulevard Substation (the Proposed Action involves a rebuild/enlargement of the existing Boulevard Substation). A 1.5-mile segment of the proposed 13.3-mile 138 kV overhead transmission line would be located on BLM-administered public lands; all other project components would be located on private lands and would be under the land use jurisdiction of the CPUC. The total permanent disturbance on BLM-administered public lands would be approximately 2.06 acres.

4.1.2 Fully Analyzed Alternatives in the FEIS/FEIR

Each of the fully analyzed alternatives would include a new 500/230/138 kV electrical substation, loop-in of the existing SWPL to the ECO Substation, a new 138 kV transmission line running between the proposed ECO Substation, and the rebuilt Boulevard Substation. Each of these alternatives would transmit power from the ECO Substation to the rebuilt Boulevard Substation and would require similar infrastructure as the Proposed Action; however, the specific location and alignment of several key project components would differ. The ECO Substation Site Alternative would construct the ECO Substation 700 feet east of the proposed site and this shift would result in alterations to the proposed substation pad and SWPL Loop-In configuration and would also increase the length of the 138 kV transmission and 12 kV distribution lines. The ECO Partial Underground 138 kV Transmission Route Alternative (the Selected Alternative) would essentially be the same as that described in Section 4.1.1 for the Proposed Action, with the exception that a 2.1-mile segment of the proposed transmission line between milepost 0.3 and

2.4 and an approximate 4-mile-long portion of the proposed transmission line between milepost 9 and the rebuilt Boulevard Substation would be installed underground and where possible, within existing roadways rather than overhead on transmission line poles. Similarly, the ECO Highway 80 138 kV Transmission Route Alternatives would feature similar components as the Proposed Action with the exception that a segment of the transmission line from approximate milepost 5.8 to the rebuilt Boulevard Substation would be rerouted and installed overhead (or underground) north along Old Highway 80 (both of the Highway 80 alternatives would decrease the overall length of the transmission line). These alternatives are described in more detail in Section C of the FEIS/FEIR.

NEPA Section 102(2)(E) directs federal agencies to develop alternatives when there are unresolved conflicts concerning alternative uses of available resources (42 U.S.C. 4342(2)(E)). The purpose of consideration of the fully analyzed alternatives is to determine reasonable ways minimize or avoid impacts of the Proposed Action while still meeting the BLM's purpose and need. Shifting the proposed substation site 700 feet to the east (ECO Substation Site Alternative) would reduce permanent impacts to cultural resources. Rerouting and underground of the proposed 138 kV transmission line (ECO Partial Underground 138 kV Transmission Route Alternative) would reduce visual resource, land use, and cultural resources impacts. Also, rerouting the transmission line north along Old Highway 80 near proposed milepost 5.8 to the rebuilt Boulevard Substation (ECO Highway 80 138 kV Transmission Route Alternative) reduces indirect impacts due to a shorter overall transmission line and reduces land use impacts by utilizing an existing ROW. Lastly, rerouting the transmission line north along Old Highway 80 near milepost 5.8 and installing the transmission line underground from this point to the rebuilt Boulevard Substation (ECO Highway 80 Underground 138 kV Transmission Route Alternative) reduces indirect impacts due to a shorter overall transmission line, reduces land use impacts by utilizing an existing ROW, and reduces long-term visual impacts.

4.1.3 No Project Alternative 1 – No ECO Substation, Tule Wind, ESJ Gen-Tie, Campo, Manzanita or Jordan Wind Energy Projects

With the No Project Alternative 1, the ECO Substation Project (and the Tule Wind and ESJ Gen-Tie, Campo, Manzanita, and Jordan Wind Energy Projects) would not be approved, and no ROW grants would be issued to the ECO Substation Project (and Tule Wind Project) applicants.

4.1.4 No Project Alternative 2 – No ECO Substation Project

Under this alternative, the ECO Substation Project would not be approved and a ROW grant for the 138 kV transmission line would not be issued to the applicant.

4.2 Alternatives Not Fully Analyzed

Alternative substation sites/transmission route alignments, system configurations, and methods were considered as alternatives to the Proposed Action but not carried forward for detailed analysis. Such alternatives are identified, and the rationale for elimination from detailed analysis is discussed in FEIS/FEIR Section C, Alternatives, and summarized below.

4.2.1 Alternative Substation Sites/Transmission Line Alternatives

The 11 substation site/transmission line alternatives identified below would not avoid or substantially reduce the adverse impacts of the project or meet the project objectives or would not satisfy the purpose and need for the project. Accordingly, the following site alternatives were not analyzed in complete detail in the FEIS/FEIR:

1. ECO Substation Alternative Site 1—South of the Proposed ECO Substation Site
2. ECO Substation Alternative Site 2—West of the Proposed ECO Substation Site
3. ECO Substation Alternative Location 3—Ketchum Ranch Site
4. ECO Substation Alternative Location 4—Jacumba Site
5. ECO Substation Alternative Location 5—South of Boulevard Site
6. ECO Substation Alternative Site 6—West of Boulevard Site
7. ECO Substation Alternative Site 7—East of Campo Site
8. ECO Substation Alternative Site 8—Campo Site
9. ECO Alternative Boulevard Substation Site
10. ECO Jacumba 138 kV Route Segment Alternative
11. ECO Jewel Valley Road 138 kV Route Alternative.

4.2.2 System Alternatives

The six system alternatives identified would not avoid or substantially reduce the adverse impacts of the project or meet the project objectives or would not satisfy the purpose and need for the project. Accordingly, the following site alternatives were not analyzed in complete detail in the FEIS/FEIR:

1. ECO System Alternative 1 – Elimination of 138 kV Transmission Line
2. ECO System Alternative 2 – Elimination of 138 kV Transmission Line and Rebuild TL6931 (Boulevard to Crestwood Substation) and TL629E (Crestwood Substation to Cameron Tap)
3. ECO System Alternative 3 – Build a New 230 kV Switchyard and Extend a 230 kV Line from the Imperial Valley Substation
4. ECO System Alternative 4 – Connect to the Sunrise Powerlink
5. ECO System Alternative 5 – Eliminate 230 kV Yard at the ECO Substation

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6. ECO System Alternative 6 – Use Existing CFE 230 kV Line Located in Northern Mexico and Path 45 to Transmit ESJ Energy, Upgrade East County 69 kV Distribution System and Microgrid Enforcement

4.2.3 Alternative Methods of Generating Electricity

The following alternative methods of generating or conserving electricity were considered as potential alternatives to the Proposed Action:

1. Distributed Generation—Rooftop Solar Panels and Other Alternative Fuel Supplies
2. Energy Efficiency
3. Nuclear Energy.

While distributed generation would result in a significant net reduction in project impacts as compared with the Proposed Action and would contribute directly to meeting state and federal renewable energy resource goals, this alternative would not meet BLM's purpose and need to respond to the FLPMA ROW application submitted by SDG&E to construct, operate, maintain, and terminate a segment of a 138 kV transmission line on public lands managed by the BLM in compliance with FLPMA. The 138 kV transmission line would deliver electricity generated by planned renewable energy development in the project region and the BLM is compelled to evaluate utility-scale renewable energy development rather than distributed generation by the applicable federal orders and mandates. The Energy Policy Act of 2005 (Public Law 109-58) requires the Secretary of the Interior to seek to approve non-hydropower renewable energy projects on public lands, with a generation capacity of at least 10,000 megawatts (MW) of electricity by 2015; this level of renewable energy generation cannot be achieved on that timetable through distributed generation systems. Accordingly, the BLM's purpose and need for DOI action is focused on the siting and management of utility-scale renewable energy development on public lands. Furthermore, BLM has no authority or influence over the installation of distributed generation systems, other than on its own facilities, which the BLM is evaluating at individual sites through other initiatives.

Also, distributed generation only partially solves the issue of reliability in the Boulevard and Jacumba communities; therefore, this alternative would not address the southeastern energy transmission system servicing the Boulevard, Jacumba, and other surrounding communities, which under this alternative would remain unstable.

The energy efficiency alternative would reduce demand; however, it would not reduce demand sufficiently to meet most of the project objectives and the need to develop renewable energy sources. Additionally, this alternative would not improve the reliability of power delivery to the communities of Boulevard, Jacumba, and the surrounding communities. Therefore, because this alternative would not meet most project objectives and is not consistent with the purpose and need set forth in FEIS/FEIR Section A, it was determined not to meet the alternatives screening criteria described in Section C.2 of the FEIS/FEIR and was eliminated from further consideration as a reasonable alternative in the FEIS/FEIR.

The nuclear energy alternative would not contribute to meeting renewable energy resource goals established by the federal government and would not meet BLMs purpose and need to respond to the FLPMA ROW application submitted by SDG&E to construct, operate, maintain, and terminate a segment of a 138 kV transmission line that would transmit generated renewable energy on public lands managed by the BLM in compliance with FLPMA. Additionally, the nuclear energy alternative does not meet feasibility criteria as permitting of new nuclear facilities in California is not currently allowable by law. Therefore, it was determined that this alternative does not meet the alternatives screening criteria and it was eliminated from further consideration as a reasonable alternative in the FEIS/FEIR.

4.3 Environmentally Preferable Alternative

The environmentally preferable alternative would be the No ECO Substation Project Alternative, which would result in denial of the project. All environmental consequences associated with the construction, operation, maintenance, and termination of the Proposed Action would be eliminated and existing environmental conditions would be unaffected. Without the ECO Substation Project, there would not be an interconnection hub that would enable renewable generation such as the ESJ Gen-Tie or Tule Wind Projects to connect to the grid. Additionally, energy transmission would remain unreliable in the Boulevard, Jacumba, and surrounding communities. Planned generation facilities in the project area would require additional miles of transmission line to reach an interconnection point and possibly multiple connection points on SDG&E's existing transmission system. In addition, new substations to be constructed by each generator might be required to connect the generation facilities to the grid.

4.4 Agency Preferred Alternative / Selected Alternative

BLM's Preferred/Selected Alternative for the ECO Substation Project 138 kV Transmission Line is the ECO Partial Underground 138 kV Transmission Route Alternative, which includes 0.8 mile of underground transmission line located on BLM-managed lands. This ROD addresses the 0.8-mile segment of underground transmission line that is proposed on BLM-administered public lands; all other project components would be located on private lands and are not under the jurisdiction of the BLM.

5. Public Involvement

5.1 Scoping

The CPUC and BLM solicited internal and external input on the issues, impacts, and potential alternatives to be addressed for the Proposed Action, as well as the extent to which those issues and impacts would be analyzed in the EIS/EIR document. This process is called "scoping" (40 CFR 1501.7). Internal input was provided by CPUC, BLM, and cooperating agency staff, as an interdisciplinary process, to help define issues, alternatives, and data needs. External scoping involved notification and opportunities for feedback from other agencies, organizations, tribes, local governments, and the public. Formal public scoping begins following publication of an NOI to prepare an EIS for a proposed action.

The NOI for the Proposed Action (including the ECO Substation Project) was published in the Federal Register on December 29, 2009 (74 FR 68860–68861). BLM issued a press release regarding the NOI on December 29, 2009. Copies of the NOI were made available at the BLM’s California Desert District office in Moreno Valley and at the BLM’s California State Office in Sacramento. Publication of the NOI began a 45-day public comment period, which ended on February 12, 2010. CPUC also provided a website with information about the project that described the various methods of providing input on the project, including an email address where comments could be sent electronically (ecosub@dudek.com). The website is: (<http://www.cpuc.ca.gov/environment/info/dudek/ecosub/ecosub.htm>). Sixty-nine comment letters were received within the 45-day NOI comment period.

On January 27 and 28, 2010, the CPUC and BLM held scoping meetings at the Jacumba Highland Center and Boulevard Volunteer Fire Department to gather comments from the public regarding the scope of the EIS/EIR, as well as project alternatives and possible mitigation. Prior to the meetings, a Notice of Public Scoping Meeting was mailed to federal, state, regional, and local agencies, elected officials of areas affected by the Proposed Action, and the general public. Approximately 70 and 100 attendees (respectively) were documented by signing in on a voluntary sign-in sheet at the meetings. Of those in attendance, a total of 37 members of the public spoke.

In March 2010, a scoping report was released for public review summarizing concerns raised during the public scoping meetings and summarizing comments received on the project during the scoping period. In addition to comments received at the public scoping meetings, BLM received 69 comment letters: 26 from federal, state, and local agencies and organizations; 35 from individuals; 1 from the Campo Band of Mission Indians; and 7 late letters. Six general categories of comments were received:

- Comments related to the project description
- Human environment issues, including the following key issues:
 - Visual and aesthetic impacts of aboveground transmission lines
 - Increased risk of wildfire hazards due to the introduction of new transmission lines, substations, and transformers
 - Direct and indirect impacts on the recreational uses and to wilderness and environmentally sensitive areas in the project vicinity
 - Increased public access resulting in increased fire danger, invasive species distribution, vandalism, and disruption of habitat in remote natural resource areas
 - Conflict with the rural community character and the designated recreational and wilderness land uses in the project area
 - Construction and operations noise due to: (1) helicopter noise during construction and maintenance activities, (2) emergency generators, and (3) noise and vibration effects of required blasting

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- Potential health effects associated with electric and magnetic fields (EMFs) and potential public safety concerns due to the use of hazardous materials during construction and operation
 - Natural environment issues, or how the project would affect biological resources in the area
 - Indirect and cumulative impacts, including those of other proposed energy projects in the region, in addition to all past, present, and reasonably foreseeable projects or actions within the geographic range of the project area
 - EIS/EIR administrative and permitting issues.

5.2 Draft EIS/EIR Public Comment Period

The EPA published an NOA for public and agency review and comment of the ECO Substation, Tule Wind, and ESJ Gen-Tie Project DEIS/DEIR on December 23, 2010, in the Federal Register (75 FR 80807). The NOA was also published in several regional newspapers including the *San Diego Union Tribune* (on December 24, 2010) and *Back Country Messenger* (in the January 2011 monthly edition). The original 54-day comment period was extended from February 16, 2011, to March 4, 2011—an additional 16 days, for a total of 70 days. Approximately 240 comment letters were received during this period. A number of the comments received on the DEIS/DEIR discussed the similar issues or environmental concerns as those raised during the scoping process, including, among others, issues related to the project description, project alternatives, human environment issues, natural environment issues, and cumulative impacts of the project. Additional human environment issues raised during DEIS/DEIR review included low-frequency noise, shadow flicker (due to turbines associated with the Tule Wind Project), “dirty” electricity, health concerns associated primarily with the operation of the wind turbines, as well as loss of property values. Additional natural environment issues raised during the public comment period included biological resources, particularly with regard to the golden eagle and condors, bats, Quino checkerspot butterfly, big horn sheep, and wildlife corridors. Comments were also raised regarding water quantity and quality, visual impacts, and climate change. Further, commenters raised concerns regarding sacred cultural, historic, religious, and archaeological Kumeyaay ancestral sites within the project area and the Section 106 consultation process. All public comments on the DEIS/DEIR were considered and addressed in the FEIS/FEIR. Responses to comments are provided in Volume 3 of the FEIS/FEIR and comments received are contained within Volume 4 of the FEIS/FEIR. Recurring comments on the DEIS/DEIR are addressed through common responses that are provided in Section 2.0 of Volume 3 of the FEIS/FEIR.

6. Errata Items

The purpose of these errata is to correct factual inaccuracies or typographical errors in the FEIS/FEIR for the ECO Substation Project. The POD will govern in the event of any factual discrepancies between it and the FEIS/FEIR. To the extent that the clarifications below affect the project description, the POD will incorporate these clarifications. To the extent that such clarifications affect a mitigation measure, Appendix C of this ROD contains the final language.

Section D.3, Figures D.3-19C through D.3-19H, were omitted from the FEIS/FEIR. These figures are incorporated in Section D.3 on the CPUC FEIS/FEIR website:
http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Final_EIR/D.3_Visual_Resources.pdf.

In Section D.7, Cultural and Paleontological Resources (Subsection D.7.1.2, page D.7-20, Records Search and Survey Results, 138 kV Transmission Line) the statement “the Proposed Project has been realigned to avoid archaeological concentrations, features, and potential deposits in buffer zone areas, wherever possible” was made but did not include a reference that would indicate that the claim was factually based. The statement was made in a letter report prepared by ASM Affiliates, Inc. (and submitted to the BLM) titled “Preliminary Eligibility Requirements for Cultural Resources in SDG&E’s Proposed East County (ECO) Substation Project” and dated August 5, 2011. In Section D.7, Cultural and Paleontological Resources (Subsection D.7.3.3, page D.7-77 under Impact CUL-1, ECO Substation Project), the presence of cultural sites along the proposed reroute of the 138 kV transmission line along Old Highway 80 and Carrizo Gorge Road was not discussed as this reroute was associated with an alternative project component. ASM Affiliates Inc. subsequently surveyed the reroute area and identified five previously recorded sites (one which could not be re-identified), 20 new sites, and 25 isolates.

Section D.7, Cultural and Paleontological Resources, Subsection D.7.8, page D.7-133, Table D.7-15, Mitigation Measure CUL-1A was clarified as follows:

As part of the HPTP-CRMP, recorded cultural resources that can be avoided shall be listed and demarcated during construction as Environmentally Sensitive Areas (ESAs). All recommended NRHP- and/or CRHR-eligible resources that would not be affected by direct impacts, but are within 100 feet of direct impact areas, shall be designated as ESAs. Protective fencing or other markers shall be erected and maintained on SDG&E-owned property, easements, or ROW to protect ESAs from inadvertent trespass for the duration of construction in the vicinity (the ESA fencing should demarcate the limits of the construction areas and where people have to stay within the easement, ROW, or SDG&E owned property). An archaeologist shall monitor during ground-disturbing activities at all cultural resource ESA.

Section D.7, Cultural and Paleontological Resources, subsection D.7.8, page D.7-136, Table D.7-15, Mitigation Measure CUL-1D has been clarified as follows:

Since significant portions of the project site contain sedimentary deposits that have the potential to contain buried cultural resources, then full-time cultural resources monitoring shall be implemented during all phases of ground-disturbing work in these areas. If ESA fencing has been established and the possibility

+ of buried cultural deposits is determined to be low after initial ground-disturbance, the on-site professional archaeologist may determine that full-time monitoring is no longer required in that area.

In Section D.7, Cultural and Paleontological Resources, Subsection D.7.3.3, page D.7-99 under Impact PALEO-1 (ECO Substation Project), APM ECO-CUL-11 was not identified as mitigation provided for Impact PALEO-1 however, since APM ECO-CUL-11 identifies

procedures to follow in the event that fossils are encountered during construction, the measure is applicable and is appropriate for inclusion when discussing measures provided to mitigate Impact PALEO-1.

In Section D.15, Fire and Fuels Management, page D.15-46, Mitigation Measure FF-1 has been clarified to state that lead agencies (and not commenting agencies) would approve the final Construction Fire Prevention/Protection Plan prior to the initiation of construction activities.

Section D.15, Fire and Fuels Management, page D.15-110, Table D.15-8, Mitigation Measure FF-3 was clarified as follows:

Provide assistance to SDRFPD and SDCFA to improve the response and firefighting effectiveness near electrical substations, transmission lines, and aerial infrastructure based on project risk and fire protection needs. Assistance by SDG&E shall include providing funding for one SDCFA Fire Code Specialist II position to enforce existing fire code requirements, including but not limited to implementing required fuel management requirements (e.g., defensible space), in priority areas to be identified by the SDCFA for the life of the project. All fuel management activities shall be in accordance with CEQA Guidelines Section 15304 (I), which indicates that the minor land alternation activities will not have a significant effect on the environment, as the activities will not result in the taking of endangered, rare, or threatened plant or animal species or significant erosion and sedimentation of surface waters. In addition, SDG&E is to provide funding to allow SDCFA to employ up to four volunteer/reserve firefighters as part-time code inspectors on a stipend basis for up to 90 days per year for the life of the project. The funding for the SDCFA Fire Code Specialist II position and the four volunteer/reserve firefighters as part-time code inspectors will be provided through proportional contributions, to be determined by CPUC and BLM, from SDG&E (and the other applicants) to the SDCFA prior to construction.

A fixed annual fire mitigation fee of approximately \$116,600 will be provided by SDG&E to SDRFPD for mitigation funding. The funding will be utilized to assist with the purchase and maintenance of a Type I engine with an aqueous film forming foam (AFF) apparatus with a deck gun to apply a heavy stream. In addition, the funding will be utilized to provide for a third volunteer stipend to staff the engine with firefighters and training for electrical firefighting for 10 personnel (2 per year on a 5-year rotation). The fire mitigation fee will be paid annually during the life of the project and terminated upon decommissioning of the substation and related facilities.

In Section D.15, Fire and Fuels Management, page D.15-111, Table D.15-8, the last paragraph of Mitigation Measure FF-4 states that the Final FPP for the ECO Substation Project is to be approved by commenting agencies prior to initiation of construction. This sentence has been deleted from the measure as it is incorrect and conflicts with the first paragraph of the measure that correctly states that “the final FPP shall be approved by the CPUC prior to initiation of construction.”

In Section E, Figure E-1B has been updated with the correct alignment for the ECO Partial Underground 138 kV Transmission Route Alternative. The correct alignment depicts

underground portions of the 138 kV transmission line along Old Highway 80 and Carrizo Gorge Road and the updated Figure E-1B is available on the CPUC FEIS/FEIR website:

http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Final_EIR/E_Comparison_of_Alternatives.pdf. The Draft MOA included as Appendix 10 to the FEIS/FEIR was updated post-publication. The Final MOA is included as Appendix B to this ROD. The Draft MOA is included on the CPUC FEIS/FEIR website as Appendix 10: http://www.cpuc.ca.gov/environment/info/dudek/ecosub/Final_EIR/Appx10_DraftMOAs.pdf.

Section I, Public Participation (page I-10, Section I.3.3, After Final EIR/EIS Completion), the statement: “For NEPA, following a 30-day Protest Period and concurrent 30-day Governor’s Review...” is in error. On October 25, 2011, the BLM clarified the Tule Wind Project public process in a news release. The ECO Substation Project does not amend BLM’s Eastern San Diego County RMP, as the Project is in conformance with the RMP. Therefore, a 30-day protest period and concurrent 30-day Governor’s Consistency Review upon release of the FEIS/FEIR is not appropriate. The news release was published on the CPUC website:

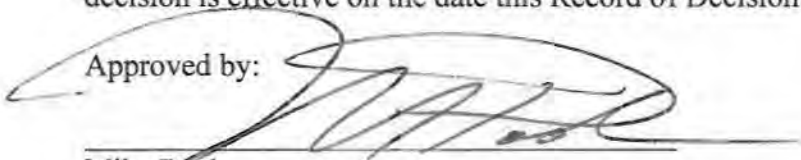
<http://www.cpuc.ca.gov/environment/info/dudek/ECOSUB/BLMNewsRelease.pdf>.

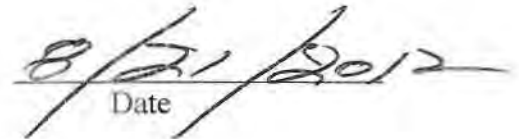
7. Final Agency Action

7.1 Right-of-Way Authorization

It is my decision to approve a transmission line right-of-way lease/grant to SDG&E subject to the terms, conditions, stipulations, plan of development, and environmental protection measures developed by the Department of the Interior and reflected in this Record of Decision. This decision is effective on the date this Record of Decision is signed.

Approved by:

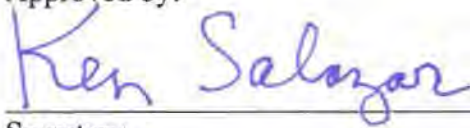

Mike Pool
Acting Director
Bureau of Land Management


Date

7.2 Secretarial Approval

I hereby approve these decisions. My approval of these decisions constitutes the final decision of the Department of the Interior and, in accordance with the regulations at 43 CFR 4.410(a)(3), is not subject to appeal under departmental regulations at 43 CFR 4. Any challenge to these decisions, including the BLM Authorized Officer's issuance of the ROW as approved by this decision, must be brought in the Federal district court.

Approved by:


Secretary
U.S. Department of the Interior

AUG 21 2012

Date

ROD Figures



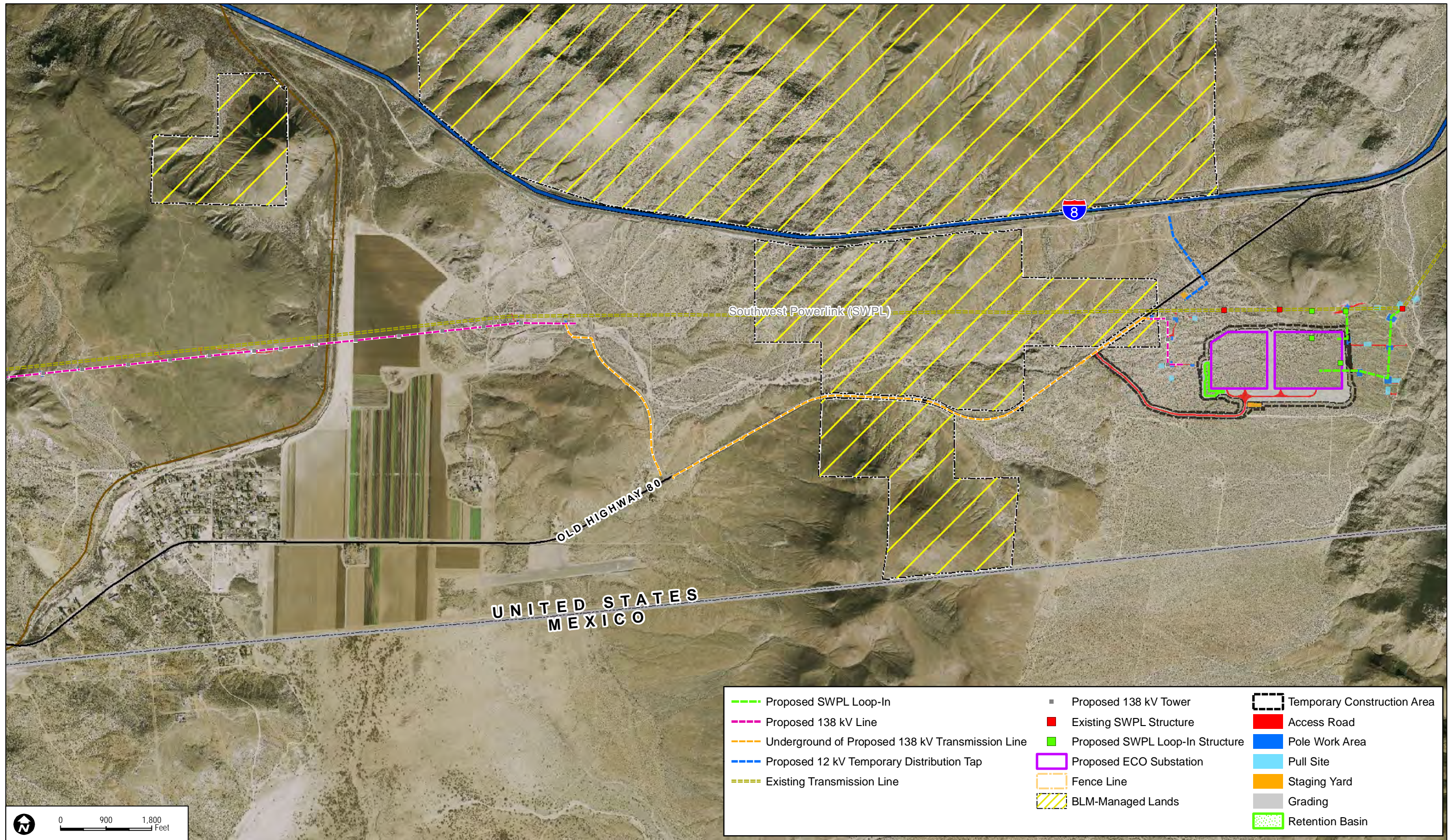
Project Components
on BLM-Managed Lands

DUDEK

6168-01

ECO SUBSTATION PROJECT 138kV TRANSMISSION LINE - RECORD OF DECISION

FIGURE 1
Regional Map



Appendices